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TAGS: [PREL](#) [KCRM](#) [PTER](#) [LE](#) [SY](#)

SUBJECT: LEBANON: MARWAN HAMADEH THINKS BERRI CAN BE TURNED

Classified By: Jeffrey D. Feltman, Ambassador. Reason 1.4 (b) and (d).

SUMMARY  
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11. (S/NF) During an August 30 meeting with the Ambassador and poloff, Lebanese Minister of Communications (and Jumblatt ally) Marwan Hamadeh discussed the draft agreement to establish a special tribunal to try suspects in Hariri assassination (and possibly other attacks). Agreeing with USG concerns about the extent of the tribunal's competency, Hamadeh also finds fault with the powers given to the pre-trial judge as well as the selection process for the tribunal's local judges. Discussing internal politics, Hamadeh believes that Speaker Berri can be enticed into supporting President Lahoud's ouster. Hamadeh said there will be a restricted-size March 14 meeting in a few days, when he plans to raise the possibility of looking into the Bank al-Medina scandal. Having just returned from a trip to Paris, where he met with French officials, Hamadeh also gave his impressions of current French thinking on the Middle East. END SUMMARY.

TRIBUNAL FRAMEWORK DOCUMENT  
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12. (S/NF) Reviewing the draft UN-GOL "Statute of the Special Tribunal for Lebanon," Hamadeh agreed with the Ambassador that the language giving the tribunal jurisdiction over the Hariri assassination and all other acts of "a similar nature and gravity" is far too broad. Hamadeh suggested instead language which allows the tribunal to try only cases which are "materially linked" to the Hariri attack. Furthermore, Hamadeh does not believe that the time period during which related attacks took place should be restricted from October 1, 2004 to Dec 31, 2005, and would prefer that the latter date be left open-ended to dissuade any future would-be attackers. Unprompted, Hamadeh also said he is against giving the tribunal competency to try suspects for "crimes against humanity," as he believes this would be unnecessary and provocative -- "it will open Pandora's box."

13. (S/NF) Hamadeh pointed out an issue with Article 19 of the statute, which says that a pre-trial judge shall review any indictment, and can decide to dismiss it. Firstly, this gives the pre-trial judge too much power over whether or not a case will be heard by the tribunal. Secondly, the statute does not specify who will select the pre-trial judge. Would

it be the UN or the GOL? Hamadeh also opposes the method of selecting tribunal judges whereby the UN appoints the international judges and the GOL the local judges. This would mean near certain GOL paralysis every time they need to appoint a new judge to the tribunal. "We don't want to have to negotiate with Nabih Berri every time we want to appoint a local judge." Hamadeh suggests that the GOL agree on and provide to the UN a list of acceptable local judges, leaving the final decision on appointments with the UN.

¶4. (S/NF) Hamadeh hopes that UN Legal Adviser Nicholas Michel comes as soon as possible to sign the statute for the tribunal, and suggested that this visit coincide with UNSYG Annan's trip to Damascus. Hamadeh worries though that Michel may decide not to come to Lebanon until after the Brammertz report in mid-September (at Brammertz's suggestion). Noting that the French -- Chirac in particular -- are pressing hard for a Michel visit now, Hamadeh asked that the USG continue to weigh in with UN contacts.

BERRI HAS HIS PRICE  
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¶5. (S/NF) Turning to internal Lebanese politics, Hamadeh believes that, with the right combination of guaranteed political security and cash flow, Nabih Berri might agree to lend his weight to removing Emile Lahoud from the Presidency. Not mincing words, Hamadeh said that the GOL would need to guarantee a certain amount of reconstruction funds to Berri's Council for the South, helping to increase his political patronage amongst the Shi'a while -- an unfortunate side effect -- also funding Randa Berri's wardrobe. Acknowledging that Siniora does not approve of this strategy since it would

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open the GOL up to one of Michel Aoun's anti-corruption broadsides, Hamadeh suggests that Saudi Arabia -- with a GOL nudge and wink -- directly deposit a large amount of reconstruction funds into the Council for the South. Hamadeh also suggests that March 14 parliamentarians simultaneously assure Berri that he will be returned as Speaker when he comes up for a the constitutional mid-term vote of confidence next summer.

¶6. (S/NF) Hamadeh said that MPs have signed a petition demanding an immediate parliamentary session (Note. Shockingly, Parliament has remained in recess throughout the recent conflict. End Note), adding that the petitioners are waiting to see if Speaker Berri will sign or not. If he doesn't, according to Hamadeh, then March 14 MPs are prepared to force him and President Lahoud to convene Parliament. The Ambassador warned that Hizballah MPs might seize the floor and filibuster about Israeli "war crimes" and other pet issues. Hamadeh did not seem too bothered, adding that the mood in the country seems to be shifting away from Hizballah, even among Shi'a. Hamadeh remarked that "our" (it is unclear if this includes all of March 14 or just Jumblatt and Hariri) new strategy is to strip Hizballah of Shi'a support.

BANK AL-MEDINA  
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¶6. (S/NF) The Ambassador asked why no one has looked further into the Bank al-Medina files, an anomalous instance of tight-lippedness in a country renowned for exposing dirty laundry. Hamadeh claims to have asked Prosecutor-General Said Mirza for the Medina files, but that Mirza said the files were being "studied by experts". "There has not been a lot of pressure on Mirza to open the files," Hamadeh admitted. Hamadeh said that there is to be a "reduced meeting of the March 14" in two or three days, and that he will put Bank al-Medina on the agenda. (Comment. Considering that, by some accounts, the March 14 movement is now riven by jealousies and cliques, the idea of a "reduced" meeting is cause for some concern. End Comment).

## FRENCH IMPRESSIONS

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17. (C/NF) Having just arrived back from Paris on 8/28, Hamadeh said he believes France will remain firm on Syria. The Ambassador asked why the French have not taken any concrete steps against Syria, such as recalling their Ambassador for consultations. Hamadeh said the French intend to send their former UN Deputy Permanent Representative, apparently "very anti-Syrian", as the new Ambassador to Damascus. He believes the French might move on sanctioning Syria, but have to be careful now that they have many more troops on the ground in southern Lebanon. While in Paris, Hamadeh met with French presidential hopeful Nicholas Sarkozy who, while inexperienced as regards the Middle East, seems even "stiffer" than Chirac on Syria. Hamadeh noted Chirac spoke with King Abdullah recently and asked the king to "help" -- financially -- the GOL and "friends of the West" in Lebanon.  
FELTMAN